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7 *Representing the United States of America*

8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10 **United States of America,**

11 Plaintiff,

12 v.

13 **Cliven Bundy, et al.,**

14 Defendant.
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2:16-CR-0046-GMN-PAL

**Motion to Disclose Grand Jury
Testimony of Daniel P. Love**

17 **CERTIFICATION: This motion is timely filed.**

18 The United States seeks an order of the Court permitting it to disclose the
19 grand jury testimony of BLM Supervisory Special Agent Daniel P. Love taken on
20 October 14, 2015, in the matter that led to charges in this case. The United States
21 intends to cite a portion or portions of Love's grand jury testimony in its appeal of
22 the Court's order dismissing with prejudice the indictment as to four of the Tier 1
23 defendants and its denial of reconsideration.

On October 22, 2018, the Court unsealed a portion of SSA Love's grand jury testimony based on an interveners' joint motion to unseal. ECF No. 3371. The Government needs to use one or more other portions of Love's testimony for appeal.

POINTS AND AUTHORITIES

Federal Rule of Criminal Procedure 6(e)(3)(E) authorizes courts to permit disclosure of grand jury material "in connection with a judicial proceeding." The rule specifically provides as follows:

Rule 6. The Grand Jury

(3) Exceptions.

(E) The court may authorize disclosure—at a time, in a manner, and subject to any other conditions that it directs—of a grand-jury matter:

(i) preliminary to or in connection with a judicial proceeding.

Because the Government intends to cite Love's grand jury testimony in its appellate brief, disclosure is appropriate, and the Government asks the Court to authorize disclosure.

DATED this 29th day of January, 2019.

Respectfully,

NICHOLAS A. TRUTANICH
United States Attorney

/ s / Daniel R. Schiess

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Cliven Bundy, et al.,

Defendant.

2:16-CR-0046-GMN-PAL

**Order Granting Government's
Motion to Disclose Grand Jury
Testimony of Daniel Love**

On January 29, 2019, the Government filed a motion to disclose the grand jury testimony of Daniel P. Love taken on October 14, 2015, in the matter that led to charges being brought in this case. The United States intends to cite a portion or portions of Love's grand jury testimony in its appeal of the Court's order dismissing with prejudice the indictment as to four of the Tier 1 defendants and its denial of reconsideration. Federal Rule of Criminal Procedure 6(e)(3)(E) authorizes

1 courts to permit disclosure of grand jury material “in connection with a judicial
2 proceeding.” Fed. R. Crim. P. 6(e)(3)(E).

3 Accordingly, IT IS HEREBY ORDERED that the Government may disclose
4 the grand jury testimony of Daniel P. Love.

5 **DATED** this 31st day of January, 2019.

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8 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing **Motion to Disclose Grand Jury Testimony and Proposed Order** were served upon counsel of record, via Electronic Case Filing (ECF).

DATED this 29th day of January, 2019.

/ s / Daniel R. Schiess

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Assistant United States Attorney